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REMARKS

The application has been reviewed in light of the Office Action dated February 10, 2009. Claims 8, 9, 13, 14, 17, 19-21, 30, 31, 35, 36, 39, 41-43, 52, 53, 57, 58, 61, 63-65 and 82-109 are pending, with claims 1-7, 10-12, 15, 16, 18, 22-29, 32-34, 37, 38, 40, 44-51, 54-56, 59, 60, 62 and 66-81 having previously been canceled, without prejudice or disclaimer. By this Amendment, claims 8, 9, 13, 14, 17, 21, 30, 31, 35, 36, 39, 43, 52, 53, 57, 58, 61, 65, 82, 84-87, 89-90, 92-95, 97, 98, 100-103 and 105 have been amended to clarify the claimed subject matter. Support for these amendments can be found in the original application, for example, in paragraphs [0074] to [0077]. Claims 8, 9, 13, 14, 17, 19-21, 30, 31, 35, 36, 39, 41-43, 52, 53, 57, 58, 61, 63-65 and 82-109 remain pending upon entry of this amendment, with claims 8, 9, 13, 14, 17, 21, 30, 31, 35, 36, 39, 43, 52, 53, 57, 58, 61, 65, 82, 84-87, 89, 90, 92-95, 97, 98, 100-103 and 105 being in independent form.

Claims 82, 84, 90, 92, 98 and 100 were rejected under 35 U.S.C. §102(b) as purportedly anticipated by U.S. Patent No. 5,666,489 to Fite et al. Claims 8, 9, 30, 31, 52, 53 and 107 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of U.S. Patent No. 5,552,901 to Kikuchi et al. Claims 13, 14, 35, 36, 57 and 58 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Kikuchi and further in view of U.S. Patent No. 6,816,911 (Toyoda '911). Claims 17, 20, 39, 42, 61 and 64 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Kikuchi and further in view of U.S. Patent No. 6,493,103 (Toyoda '103). Claims 19, 41 and 63 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite and Kikuchi and further in view of U.S. Patent No. 5,818,609 to Yamamuro. Claims 21, 43 and 65 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Kikuchi and further in view of U.S. Patent No.

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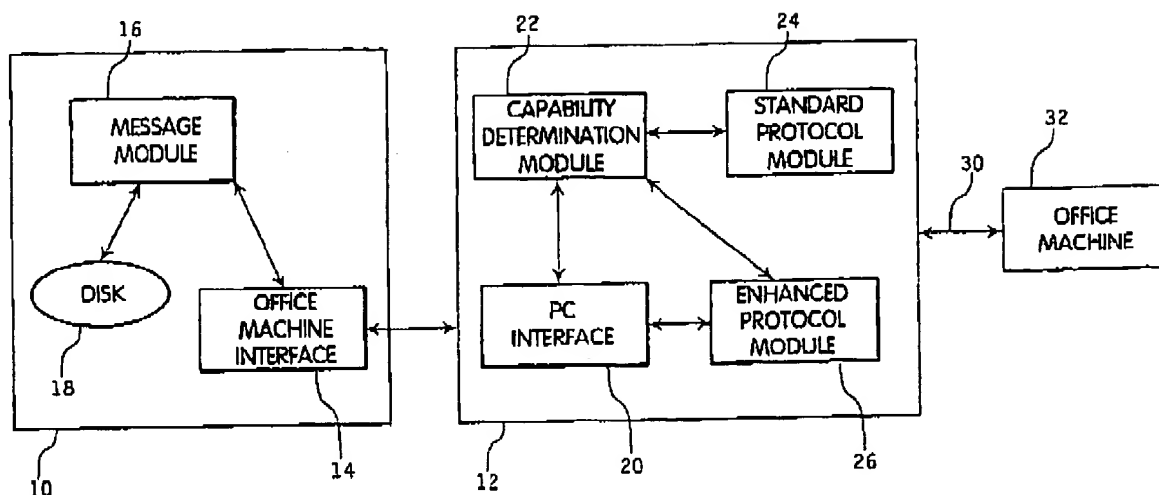
6,333,789 (Shima '789). Claims 83, 91 and 99 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Yamamuro. Claims 85, 86, 93, 94, 101 and 102 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Toyoda '911. Claims 87, 88, 95, 96, 103 and 104 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Toyoda '103. Claims 89, 97 and 105 were rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Shima '789. Claim 106 was rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Kikuchi and further in view of U.S. Patent No. 6,801,341 to Joffe et al. Claim 108 was rejected under 35 U.S.C. §103(a) as purportedly unpatentable over Fite in view of Kikuchi and further in view of Toyoda '911.

Applicant respectfully submits that the present application is allowable over the cited art, for at least the reason that the cited art does not disclose or suggest the aspect of the present application of a communications terminal apparatus *wherein if both of said communications terminal apparatus and a transfer communications machine have the communications capability to accept image information received from a sending communications machine, said image information received from said sending communications machine is not transferred to said transfer communications machine.*

Fite, as understood by applicant, proposes an apparatus, as shown in Fig. 1 (reproduced below) of Fite, for coupling an office machine to a personal computer and enabling the office machine to access enhanced features. After identifying whether the personal computer is available and determining the capabilities it supports, the office machine can operate in an enhanced mode using the resources of the personal computer and can advertise its enhanced capabilities to other machines.

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The office machine 32, fax machine 12, and PC 10 of Fite were equated in the Office Action to the sending communications machine, communications terminal apparatus, and transfer communications machine, respectively, of the present application.

Fite teaches that the fax machine 12 responds to a call from office machine 32, and in response attempts to establish communication with the PC 10. If this attempt fails, PC interface 20 tells the capability determination module 22 that the PC is off. On the other hand, if this attempt to communicate with the PC succeeds, the capabilities of the PC are relayed to PC interface 20, and PC interface 20 tells the capability determination module 22 that the PC is on and identifies the capabilities of the PC. Thereafter, a protocol to be used with the call is chosen based on whether PC is on or off. That is, if the PC is off, fax machine 12 uses the standard protocol module 24 to handle the call, based on the standalone capabilities of the only the fax machine itself. On the other hand, if the PC is on, the fax machine uses the enhanced protocol module 26 to handle the call, based on the additional enhanced capabilities provided by the PC.

Fite (Col. 8, ln. 63-67; Col. 9, ln. 1-3) teaches that *if the PC is on or available, the enhanced protocol module 24 will use the PC interface 20 to communicate data associated with*

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the phone call to the PC, so that a PC user can use the resources of the PC in order to process the received fax information. However, Fite does **NOT** disclose or suggest that if both of the PC *and the fax machine* have the communications capability to accept fax data received from the office machine 32, that the fax machine does not transfer the fax data received from the office machine 32 to the PC. In other words, if the PC in Fite is on, then the fax machine will *always* transfer the fax data to the PC, regardless of whether the fax machine itself has the communications capability to accept the fax data.

Fite simply does not disclose or suggest the above-mentioned aspects of the present application of a communications terminal apparatus *wherein if both of said communications terminal apparatus and a transfer communications machine have the communications capability to accept image information received from a sending communications machine, said image information received from said sending communications machine is not transferred to said transfer communications machine.*

Likewise, the other cited art, as understood by applicant, does **NOT** disclose or suggest the above-mentioned aspects of the present application.

Applicant respectfully submits that the cited art, even when considered along with common sense and common knowledge to one skilled in the art, does not render unpatentable the above-mentioned aspect of the present application.

Accordingly, applicant submits that independent claims 8, 9, 13, 14, 17, 21, 30, 31, 35, 36, 39, 43, 52, 53, 57, 58, 61, 65, 82, 84-87, 89, 90, 92-95, 97, 98, 100-103 and 105, and the claims depending therefrom, are allowable over the cited art.

In view of the remarks hereinabove, applicant submits that the application is now in condition for allowance. Applicant earnestly solicits the allowance of the application.


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If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Patent Office is hereby authorized to charge any fees that are required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,


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PT/RJM